

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 27, 2010

DIVISION ONE

B218225 Carleo (Not for Publication)
v.
Tong

The appeal is dismissed. The parties shall bear their own costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

B214343 People (Not for Publication)
v.
Groen

The judgment is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.
Johnson, J.

B218187 James Henry Deneal (Not for Publication)
v.
Bank of the West

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION ONE (continued)

B220858 In re Thomas Reese III on Habeas Corpus (Not for Publication)

The petition for a writ of habeas corpus is granted, and the Board's decision is hereby vacated. The Board is directed to find Thomas Reese III suitable for parole unless, within 30 days of the finality of this decision, the Board holds a parole suitability hearing and finds, based on new evidence, that he currently poses an unreasonable risk of danger to society if released on parole.

Johnson, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION TWO

B217955 Arias (Not for Publication)

v.
City of Los Angeles, et al.

The judgment is affirmed. Respondents are awarded costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B219750 Los Angeles County, D.C.F.S. (Not for Publication)

v.
Michael G.

The orders are affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

May 27, 2010 (Continued)

DIVISION TWO (continued)

B217932 Shin, et al. (Not for Publication)
v.
Kim

The judgment is affirmed. Respondents are awarded costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B210782 Schick (Not for Publication)
v.
Brockman, et al.

The judgment is modified to state that judgment is entered in favor of defendants. The judgment, as modified, is affirmed. Respondent to recover costs.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B217494 People (Not for Publication)
v.
King

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Chavez, J.

May 27, 2010 (Continued)

DIVISION TWO (continued)

[illegible]

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B215051 County of Los Angeles (Not for Publication)
v.
Indiana Lumbermens Mutual Insurance Company

The judgment is affirmed. Lumbermens Mutual is to pay costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B212091 Christian Mark Anderson (Not for Publication)
v.
Sullivan Motor Cars, LLC, et al.

The order is affirmed. Costs on appeal are awarded to defendants Sullivan Motor Cars, LLC (dba Toyota Santa Monica), Toyota Motor Credit Corporation (dba Toyota Financial Services), Universal Underwriters Insurance Company (UUIIC) and Sean Homayoun.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

May 27, 2010 (Continued)

DIVISION THREE (continued)

B212874 Chude
v.
Jack In The Box, Inc.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B213071 People (Not for Publication)
v.
Carlos Chavez

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B208390 Shiohama (Not for Publication)
B212855 v.
Nash

As to the issues addressed in this opinion, the March 25, 2008 and December 4, 2008 orders are affirmed. The parties are to bear their own costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B213735 Segue Electronics, Inc., et al. (Not for Publication)
v.
Phihong USA Corp., et al.

The judgment is affirmed. Phihong is awarded its costs.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

B217014 Highland Construction, Inc. (Not for Publication)
v.
State of California, Department of Transportation

The judgment is affirmed. Respondent is entitled to its costs on appeal.

Manella, J.

We concur: Epstein, P.J.
 Willhite, J.

B214058 Himelfarb (Not for Publication)
v.
Himelfarb

The trial court's November 14, 2008 order is affirmed. Respondent is entitled to costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

May 27, 2010 (Continued)

DIVISION FOUR (continued)

B213609 Markowitz (Not for Publication)
v.
City of Pasadena, et al.

The judgment is affirmed. Respondents to have their costs on appeal.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

B216672 Los Angeles County, D.C.F.S.
v.
Martin O.

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B219097 Los Angeles County, D.C.S. (Not for Publication)
v.
Christina C.

In re Iris H., et al., Persons Coming Under the Juvenile Court Law

Mother's appeal is dismissed insofar as it concern Iris. The orders with respect to Catherine and Moses are affirmed.

Mosk, Acting P.J.

We concur: Kriegler, J.
Ferns, J. (Assigned)

DIVISION FIVE (continued)

B214006 People (Not for Publication)
v.
Edgar Saldana, et al.

The judgments are affirmed.

Kriegler, J.

We concur: Mosk, Acting P.J.
Ferns, J. (Assigned)

B215070 People (Not for Publication)
v.
Luis Enrique Aguilar

The judgment is modified to reflect that defendant is entitled to credit for 496 days served pursuant to Penal Code section 2900.5 and 74 days of conduct credit pursuant to Penal Code section 2933.1. The clerk of the Superior Court is directed to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B208223 National Enterprises, Inc., et al. (Not for Publication)
v.
Satanand Sharma

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

B215770 Terry Hoffman, et al. (Not for Publication)
 v.
 Uncle P Productions

The judgment in favor of defendants on the 19 newly-added plaintiffs' claims is reversed. The judgment in favor of Miller on Hoffman's FSLA claims is reversed. The judgment in all other respects is affirmed. Hoffman and the newly-added plaintiffs are to recover their costs on appeal. The matter is remanded to the trial court for further proceedings consistent with this opinion.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

B213733 Tshandra Merriweather, et al. (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION SEVEN

B216399 People
 v.
 MacNeil

Filed order denying petition for rehearing.

May 27, 2010 (Continued)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B219916 DCFS v. E.M.
B208153 People v. Chavez
B220482 Scarola v. Dedicated Talent Agency
B217119 People v. Vigil
B216734 People v. Bradley

Argument waived, cause submitted.

B216252 Matthew D. Thompson
 v.
 City Of Monrovia

Merits:
Argued by Leo J. Terrell for appellant and by J. Scott Tiedemann for respondent. Cause submitted.

B214575 People
 v.
 Ralph A. Duarte

Merits:
Argued by Diana Marie Teran for appellant and by Thomas C. Hsieh, Deputy Attorney General for respondent. Cause submitted.

Grimes, J. left the bench.

DIVISION EIGHT (continued)

B213985 MRI Healthcare Center Of Glendale, Inc.,
 v.
 State Farm General Insurance Company

Merits:

Argued by Alan Yockelson for appellant and by Susan M. Popik for respondent. Cause submitted.

Grimes, J. returns to the bench.

Flier, J. left the bench.

B216827 Angeline Chu
 v.
 Kaiser Foundation Health Plain, et al.

Merits:

Argued by Deane Leroy Shanander for appellant and by Catherine Evans for respondents. Cause submitted.

Flier, J. returned to the bench.

Grimes, J. left the bench.

B213601 Judith Thompson
 v.
 City of Los Angeles, et al.

Merits:

Argued by Gene M. Ramos for appellant and by Wendy K. Genz, Deputy City Attorney for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:47 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

Flier, J. left the bench.

B211921 Scott Harrison
 v.
 Ozeli Harrison

Appearances:

Scott Harrison, appellant in propria persona, and no appearance by respondent. Argument waived, cause submitted.

B213332 People
 v.
 Paul J. Rea

Merits:

Argued by Verna Wefald for appellant and by Yun K. Lee, Deputy Attorney General for respondent. Cause submitted.

B216056 Alexandra D'Abo
 v.
 Richard D'Abo

Merits:

Argued by Douglas A. Bagby for appellant and cross- respondent and by Stephen L. Raucher for respondent and cross-appellant. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

B216919 People
 v.
 Sidney Huddleston

Merits:
Argued by William M. Hassler for appellant and argument previously
waived by respondent. Cause submitted.

Bigelow, P.J. left the bench.

B215546 People
 v.
 Francis M. Cuellar

Merits:
Argued by Lawrence Young for appellant and by Sarah L. Farhat, Deputy
Attorney General for respondent. Cause submitted.

Bigelow, P.J. returned to the bench.

Flier, J. left the bench.

B212594 Pedro Perez
 v.
 Pacific Rim Transport, Inc.,

Merits:
Argued by Stephen Glick for appellant and by Barbara A. Fitzgerald for
respondent. Cause submitted.

B217316 Christensen, Glaser, Fink, Jacobs, Weil & Shapiro, LLP
 v.
 Cove Management Partners, LLC, et al.

Merits:
Argued by Andrew C. Pongracz for appellants and by Jonathan B. Cole for
respondent. Cause submitted.

May 27, 2010 (Continued)

DIVISION EIGHT (continued)

Grimes, J. left the bench.

B214432 Bandero, LLC
 v.
 Jeff Scott Klein, et al.

Merits:

Argued by Lee H. Durst for appellant and by Donald L. Cornwell for respondents Save The Queen, LLC et al. Cause submitted.

B216061 Rene Moore Music, Inc., et al.
 v.
 Indymac Mortgage Holdings, Inc., et al.

Merits:

Argued by Ivan Moore, appellant in propria persona and by Mark A Neubauer for respondents Pro Value Properties et al. Cause submitted

Grimes, J. returned to the bench.

B215594 Tom Munoz, et al.
 v.
 BCI Coca Cola Bottling Company of Los Angeles
 Greg Greenwell

Merits:

Argued by John Glugoski for appellant; by James Stoneman, II for respondents Tom Munoz, et al; and by Jennifer Robinson for respondent BCI Coca Cola Bottling Company of Los Angeles. Cause submitted.

B205911 Natalia Estrada
 v.
 ITT Industries/Gilfillan, et al.

Matter ordered off calendar.

Court adjourned

May 27, 2010 (Continued)

DIVISION EIGHT (continued)

B214955 Martinez (Certified for Publication)
 v.
 Ford Motor Company

The judgment is reversed and the matter is remanded to the trial court to vacate its order and enter a new order denying respondent's motion to dismiss, and for further proceedings. Appellants to recover their costs on appeal.

Rubin, J.

We concur: Bigelow, P.J.
 Flier, J.